

Attorney Docket No.: UCSD1630-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Fenical et al.

Art Unit:

1651

Application No.:

09/991,518

Examiner:

Irene Marx

Filing Date:

November 16, 2001

Confirmation No.:

7755

Title:

MARINE ACTINOMYCETE TAXON FOR DRUG AND

FERMENTATION PRODUCT DISCOVERY

MAIL STOP AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.97, enclosed are references relating to the above-identified application. For the convenience of the Examiner, the references are listed on the attached Form PTO-1449 and a copy of each of the references is enclosed herewith.

It is respectfully requested that the references be considered in the examination of this application and their consideration be made of written record in the application file.

11/16/2004 AWDNDAF1 00000007 09991518

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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, November 12, 2004, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(Name of Person Mailing Paper)

In re Application of:

Fenical et al.

Application No.: 09/991,518 Filed: November 16, 2001

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Enclosed is check No. 569927 in the amount of \$180.00 to cover the fee for this Information Disclosure Statement. If any additional fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

PATENT

Attorney Docket No.: UCSD1630-1

Date: November 12, 2004

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MAIL STOP Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

- 1. Information Disclosure Statement (2 pgs.);
- 2. Form PTO-1449 (3 pgs. in duplicate);
- 3. Check No. 569927 in the amount of \$180.00; and
- 4. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

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Tambra L. White

(Name of Person Mailing Paper)

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Page 2

This statement is being filed before the mailing date of a final office action or a notice of allowance. Check No. 569927 in the sum of \$180.00 is enclosed to cover the late fee under § 1.17(p). If any additional fees are required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: November 12, 2004

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GRAY CARY WARE & FREIDENRICH LLP 4365 Executive Drive, Suite 1100 San Diego, California 92121-2133 **USPTO CUSTOMER NO. 28213**

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office Docket No. UCSD1630-1 Applicant(s): Fenical, et al. Filing Date November 16, 2001 Group Art Unit: 1651

U.S. PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
-						

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

•	Feling et al., Angew. (2003) Angew. Chem. Int. Ed. <u>42(3)</u> :355-357.
	Fusetani (ed.): Drugs from the Sea. Basel, Karger 2000, pp 6-29.
	Goodfellow and Haynes. "Actinomycetes in Marine Sediments" Ortiz-Ortiz et al., ed. Biological, Biochemical, and Biomedical Aspects of Actinomycetes. Academic Press: Orlando 1984, pp.453-472.
	Davidson, B.S., Current Opinion in Biotechnology 1995, <u>6</u> :284-291.
	Blunt, J.W., et al., Nat. Prod. Rep., 2003, <u>20</u> :1-48
	Bull, A.T., et al., Microbiol. Mol. Bio. Rev., Sept. 2000, p. 573-606.
	Colquhoun, J.A., et al., Extremophiles, 1998, 2:269-277.
	Fenical, W., Chem. Rev. 1993, 93:1673-1683.
	Fenical, W., Marine Biotechnology 1997, 15:339-341.

EXAMINER 1	DATE CONSIDERED
GT\6422493.1 101668-202	

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form 1449

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No. UCSD1630-1	Serial No.: 09/991,518
	Applicant(s): Fenical, et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date November 16, 2001	Group Art Unit: 1651

	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)
	Fernandez-Chimeno R.I., et al., Journal of Antibiotics, 2000 53(5):474-478.
	Goodfellow and O'Donnell, (1989) Search and discovery of industrially significant actinomycetes. In <i>Microbial Products: New Approaches, Society for General Microbiology Symposium No. 44</i> eds Baumberg, S., et al., pp. 343-383. Cambridge: Cambridge University Press.
	Goodfellow and Williams, Ann. Rev. Microbiol. 1983, 37:189-216.
	Helmke and Weyland, Int. J. Syst. Bacteriol., 1984, 34(2):127-138.
	Horan, A.C. "Aerobic Actinomycetes: A Continuing Source of Novel Natural Products." In Gullo, V.P. (ed.), <i>The Discovery of Natural Products with Therapeutic Potential</i> . Boston: Butterworth-Heinemann, 1994, pp.1-30.
,	Romero, F., et al., The Journal of Antibiotics, 1997, 50(9):734-737.
	Watve, M.G. et al., 2001, Arch. Microbiol <u>176</u> :386-390.
	Weyland, J., Nature, 1969, <u>223</u> :858
	Zheng, Z, et al., FEMS Microbiology Letters, 2000, 188:87-91.
	Jensen, P.R. et al., Appl. Environ. Microbiol., 1991, <u>57(4)</u> :1102-1108.
	Mincer, T.J., et al., Appl. Environ. Microbiol., 2002, <u>68(10)</u> :5005-5011
-	He, H., et al., J. Am. Chem. Soc., 2001, <u>123</u> :5362-5363.
	Stach, J.E.M., et al., Appl. Environ. Microbiol., 2003, 69(10):6189-6200.
	Colquhoun, J.A., et al., Antonie van Leeuwenhoek, 1998, 74:27-40.
	Stach, J.E.M. et al., Envion. Microbiol., 2003, <u>5(10)</u> :828-841.
,	Elliott, P.J. et al., J. Mol. Med., 2003, <u>81</u> :235-245/

EXAMINER 2	DATE CONSIDERED
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	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)
	Joseph, S.J., et al., 2003, Appl Environ. Microbiol. <u>69(12)</u> :7210-7215.
	Otoguro, M., et al., J. Appl. Microbiol., 2001, <u>92</u> :118-130.
	Cheng, X.C., et al., J. Nat. Prod., 1999, <u>62</u> :608-610.
	Cheng, X.C., et al., J. Nat. Prod. 1999, <u>62</u> :605-607.
	Erba, E., et al., British Journal of Cancer, 1999, 88(7):971-980.
	Bernan, V.S., et al., Advances in Applied Microbiology 1997, 43:57-90.
	Jenson and Fenical, Annu. Rev. Microbiol 1994, 48:559-84.
	Okami, Y., Journal of Marine Biotechnology 1993, 1:59-65.
•	Goodfellow and O'Donnell, (1988) "Actinomycetes in Biotechnology", Okami, et al., ed., Search and Discovery of New Antibiotics. Academic Press: San Diego 1988, pp. 33-67.
	Moran, M.A., et al., 1995, Appl environ. Microbiol. 61(10):3695-3700.

•EXAMINER 3	DATE CONSIDERED
GT\6422493.1 101668-202	

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